

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X  
O'NEIL WALLACE,

NOT FOR PUBLICATION

Petitioner,  
-against-

**MEMORANDUM AND ORDER**

12-cv-3382 (CBA)

ERIC H. HOLDER, JR., U.S. ATTORNEY  
GENERAL,

Respondent.

-----X  
AMON, Chief Judge:

On July 31, 2012, this Court dismissed *pro se* petitioner O'Neil Wallace's petition for a writ of habeas corpus for lack of jurisdiction. On August 23, 2012, Wallace filed the instant motion for reconsideration of that decision, requesting that this Court re-open his petition in order to issue an "advisory opinion relative to the constitutionality of the questions contained and advanced in the habeas petition." D.E. #8 at 2. Article III of the United States Constitution limits the jurisdiction of the federal courts to "cases" and "controversies." U.S. Const. Art. III, § 2; see Flast v. Cohen, 392 U.S. 83, 95 (1968). Implicit in this "case and controversy" requirement is the long-standing rule that federal courts may not issue advisory opinions. Id. at 96 ("[T]he implicit policies embodied in Article III...impose the rule against advisory opinions on federal courts"). As the Court has no jurisdiction to adjudicate Wallace's petition, and therefore may not advise on the substance of his claims, his motion for reconsideration is dismissed.

SO ORDERED.

S/Chief Judge Amon

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Carol Bagley Amon  
Chief United States District Judge

Dated: Brooklyn, New York

September 14, 2012